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January 4, 2010

Via ECF

Honorable William D. Wall
United States Magistrate District Judge
100 Federal Plaza
PO Box 9014
Central Islip, New York 11722-9014

Re: Arthur C. Vandergucht v. Winter Harbor Brands
Vessel: BAYHEAD and GREAT PACONIC
Employer: Winter Harbor Brands, Inc.
08 CV 2439 (LDW) (WDW)
D/A: 8/23/07
Our File#: S2361.08

Dear Judge Wall:

We represent plaintiff in the above captioned, and write to provide the Court with a joint status report.

Factual discovery has been substantially completed, there are just minor items pertaining to authorizations for certain films that we are trying to locate. The parties have agreed on a mediator, the Honorable Michael J. Dontzin (Ret.) of JAMS.

We are hopeful that Judge Dontzin will have a date open for us during the week of January 25, 2010, we are waiting to hear back from JAMS. We will promptly advise the Court if the mediation was successful.

We thank the Court for its continued assistance, and remain

Respectfully yours,
Tabak, Mellusi & Shisha LLP

Jacob Shisha

JS/kf